

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

Juan Barragan,

Plaintiff

v.

Estate of Robert Hoch,

Defendant

Case No. 2:21-cv-02065-JAD-VCF

**Order Granting Unopposed  
Motion to Dismiss**

[ECF Nos. 35]

This action—by Juan Barragan and now against the Estate of Robert Hoch—arises from a car accident in which Barragan’s vehicle rolled over. Though Barragan was cited for driving too fast for conditions and failure to stay in his lane, he alleges that Hoch was at fault and sues Hoch’s estate for negligence. The estate moves to dismiss this suit *inter alia* for failure to prosecute, noting that Barragan has taken no action in this case since his now-withdrawn counsel took the February 3, 2022, deposition of Hoch’s widow.<sup>1</sup> Rule 41(b) of the Federal Rules of Civil Procedure states that “If the plaintiff fails to prosecute . . ., a defendant may move to dismiss the action or any claim against it.”<sup>2</sup> The deadline to oppose that motion passed without response. Local Rule 7-2(d) provides that “[t]he failure of an opposing party to file points and authorities in response to any motion, except a motion under Fed. R. Civ. P. 56 or a motion for attorney’s fees, constitutes a consent to the granting of the motion.” I apply Local Rule 7-2(d) and deem plaintiff’s failure to oppose this motion as his consent to grant it.

<sup>1</sup> ECF No. 35.

<sup>2</sup> Fed. R. Civ. P. 41(b).

1 Accordingly, IT IS HEREBY ORDERED that the motion to dismiss [ECF No. 35] is  
2 **GRANTED. This action is DISMISSED. The Clerk of Court is directed to ENTER**  
3 **JUDGMENT accordingly and CLOSE THIS CASE.**

4 Dated: January 10, 2023

5   
6 U.S. District Judge Jennifer A. Dorsey  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23